



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/598,261

08/23/2006

Josephus Christiaan Maria Hendricx

NL 040263

2052

24737

7590

12/24/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

SNYDER, ZACHARY J

ART UNIT

PAPER NUMBER

2889

MAIL DATE

DELIVERY MODE

12/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,261	Applicant(s) HENDRICX ET AL.	
	Examiner Zachary Snyder	Art Unit 2889	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2889

DETAILED ACTION

Response to Amendment

Receipt is acknowledged of applicant's amendment filed 9/11/2009. Claims 1-6 are pending and an action on the merits is as follows.

Claim Rejections - 35 USC § 112

Claim 5 recites the limitation "XI_n" in the second line. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. PG Publication 2003/0102808 A1 to Dakin et al.

In regard to claim 1, Dakin discloses in figure 1 a lamp comprising:

A discharge vessel (discharge chamber 50);

An outer envelope (shown in figure 1, unlabelled) surrounding the discharge vessel and having a ceramic wall which encloses a discharge space filled with a filling comprising an inert gas, and an ionizable salt (fill includes an inert gas and a salt, paragraph 24); and

Art Unit: 2889

Two electrodes (electrodes 52, 54, paragraph 16) arranged in the discharge space having tops with a mutual interspacing so as to define a discharge path between the tips;

Said ionizable salt consisting of NaI, TII, CaI₂, and XI₃, wherein X is selected from the group consisting of rare earth metals (table in paragraph 24, RE halide, Na halide, Tl halide, and alkaline earth metal halide, Cs halide can have molar fraction of 0%, the alkaline earth metal can be calcium, paragraph 26).

In regard to claim 2, Dakin discloses the limitations of claim 1 and that X is selected from the group consisting of Pr, Lu, and Nd (the rare earth is selected from neodymium, paragraph 24).

In regard to claim 3, Dakin discloses the limitations of claim 1, and that X is Ce and wherein the molar percentage ration $\text{CeI}_3/(\text{NaI} + \text{TII} + \text{CaI}_2 + \text{CeI}_3)$ lies between 0.5 and 7% (using the parameters in paragraph 24, this relationship is met by the choices of NaI at 45%, TII at 5%, CaI₂ at 45%, and CeI₃ at 5%).

In regard to claim 4, Dakin discloses the limitations of claim 1 and that X is Ce and wherein the molar percentage ration $\text{CaI}_2/(\text{NaI} + \text{TII} + \text{CaI}_2 + \text{CeI}_3)$ lies between 35 and 85% (using the parameters in paragraph 24, this relationship is met by the choices of NaI at 45%, TII at 5%, CaI₂ at 45%, and CeI₃ at 5%).

Art Unit: 2889

In regard to claim 6, Dakin discloses the limitations of claim 1 and that the filling comprises Hg (mercury fill, paragraph 24).

Claims 1 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. PG Publication 2002/0185973 A1 to Jackson et al.

In regard to claim 1, Jackson discloses in figure 8, a lamp comprising:

A discharge vessel (arc tube 20);

An outer envelope (outer bulb 10) surrounding the discharge vessel and having a ceramic wall which encloses a discharge space filled with a filling comprising an inert gas, and an ionizable salt (a mixture of noble gases and a salt mixture, paragraph 44); and

Two electrodes (electrodes shown in figure 9) arranged in the discharge space having tips with a mutual interspacing so as to define a discharge path between the tips (shown in figure 9);

Said ionizable salt consisting of NaI, TII, CaI₂, and XI₃, wherein X is selected from the group consisting of rare earth metals (salt mixture composed of sodium iodide, calcium iodide, thallium iodide, and several rare earth iodides, paragraph 44).

In regard to claim 5, Jackson discloses the limitations of claim 1 and that the amount of the of NaI, TII, CaI₂ and XI_n lies between 0.025 and 0.3 g/cm³ (salt mixture composed of sodium iodide, calcium iodide, thallium iodide, and several rare earth iodides, paragraph 44, there are 10-50 mg of the salt, paragraph 72, and the inner dimensions of the lamp are 7.4 mm diameter and 26 mm length, paragraph 40).

Art Unit: 2889

In regard to claim 6, Jackson discloses the limitations of claim 1 and that the filling comprises Hg (metallic mercury, paragraph 44).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary Snyder whose telephone number is (571)270-5291. The examiner can normally be reached on Monday through Friday, 9:30AM to 6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Toan Ton can be reached on (571)272-2303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Toan Ton/
Supervisory Patent Examiner, Art Unit 2889

/Zachary Snyder/
Examiner, Art Unit 2889